

ITEM NO.49

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9719/2011

(From the judgement and order dated 21/12/2010 in No.61994/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CMWP

ABDUL AZIZ AND ORS.

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and office report)

Date: 17/02/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Dr. J.N. Dubey, Sr. Adv.  
Me. Meenesh Dubey, Adv.  
Mr. S.R. Setia, Adv. (Not present)

For Respondent(s) Mr. Jitendra Mohan Sharma, Adv.  
Mr. Arvind Verma, Sr. Adv.  
Mr. Anuvrat Sharma, Adv.  
Ms. Alka Sinha, Adv.

UPON hearing counsel the Court made the following  
O R D E R

We have heard learned counsel for the parties and perused the record.

Since, the electric sub station has already been constructed and has become functional, the Court is not inclined to nullify the acquisition proceedings. However,

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keeping in view the fact that the urgency clause contained in section 17 of the Land Acquisition Act, 1894 ( for short, 'the Act') was invoked, without there being any real urgency, we feel that it will be in the interest of the administration to pay reasonable and just compensation to the petitioners ignoring that the acquisition proceedings

had been initiated vide notification dated 29.06.2007  
issued under section 4(1) of the Act.

It would be in the fitness of things that the  
concerned authorities of the State and the Corporation agree  
to pay compensation at the market rate prevailing on the  
date the possession of the acquired land was taken by the  
State.

Learned counsel for the respondents fairly stated  
that they would advise their respective clients to hold a  
meeting and work out a solution for payment of just and  
reasonable compensation to the petitioners.

List the case after five weeks.

(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master